

PLANNING COMMISSION REPORT



MEETING DATE: September 14, 2005 ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **The Estates At Miramonte - 14-AB-2005**

REQUEST Request to consider the following:

1. Abandonment of 20-foot portions of the 40 foot wide roadways along N. 124th Street and East Williams Drive that abut the Miramonte Plat.
2. Abandonment of 15-foot portions of the 30-foot wide roadway along N. 122nd Street that abuts the Miramonte Plat.

Related Policies, References:

Cases 33-PP-1998 and 157-DR-1998 approved the Miramonte Plat and related entry feature in 1998.

OWNER Luxor Homes Construction LLC
480-330-6132

APPLICANT CONTACT Gary Haarer
Luxor Homes Construction LLC
480-361-7700

LOCATION N. 122nd Street, Williams Drive and N.
124th Street

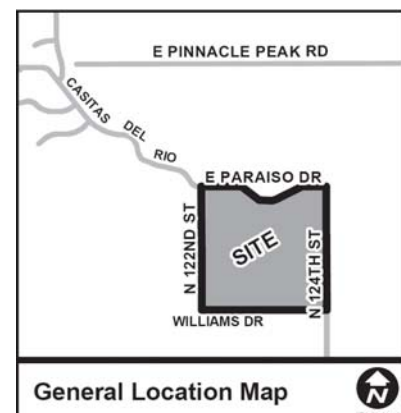
BACKGROUND

Background.

The 40-foot wide roadway dedication along the east (N. 124th Street-a local residential street) and south (Williams Drive- a local residential street), and the 30-foot wide roadway dedication along the west (N. 122nd Street- a local residential street) sides were dedicated as part of the 12 lot, Miramonte plat which was recorded in 1998. The request is to abandon the inside 20 feet of N. 124th Street and Williams Drive, and the inside 15 feet of N. 122nd Street that abut the plat, at this time. Subsequently, when condemnation and acquisition of area McDowell Sonoran Preserve properties are finalized, the applicant will apply to abandon the remaining 20-foot sections of the roadways (15-foot along N. 122nd Street) and incorporate the abandoned areas into the abutting lots within Miramonte as the abandonments occur.

Zoning.

The site is zoned R1-130 ESL (Single Family Residential with an Environmentally Sensitive Lands Overlay) District. The R1-130 zoning district allows for single-family residential lots. The ESL overlay requires that environmentally sensitive areas such as large boulders, washes and steep slopes be preserved, when platted or developed, and dedicated as Natural Area Open Space (NAOS).



Context.

Property to the east, west and south is either currently owned or is being acquired through the condemnation process to be included in the McDowell Sonoran Preserve. Portions of these properties have been acquired and other lands are in the process of condemnation. All of the surrounding lands are zoned Single-Family Residential R1-130 ESL District except for portions of Troon Highland Estates located to the southwest and northwest that are zoned Single-Family Residential (R1-43 ESL) and Single-Family Residential (R1-18 ESL). Until condemnation is complete, access is required to area properties and that is why only half of the 40 and 30-foot wide roadways are requested to be abandonment at this time. Properties to the north are currently held as large lot residential areas, are un-subdivided and are not affected by this abandonment.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

- Abandon a 20-foot wide portion of the 40-foot wide roadway along the eastern (N. 124th Street) and southern (E. Williams Drive) property lines of the Miramonte Plat.
- Abandon a 15-foot portion of the 30-foot wide roadway along the western (N. 122nd Street) property line of the Miramonte Plat.
- Dedicate a one (1) foot Non-vehicular Access Easements (NVE) will be dedicated adjacent to each of the abandonment areas.
- Provide a Public Utility Easements (PUE) along the northerly portions of N. 122nd and N. 124th Streets as part of the abandonment.

In 1998 as part of the Miramonte plat, the developer was required to dedicate 40-foot wide road rights-of-way along eastern and southern boundaries of the site and a 30-foot road right-of-way dedication was required on the west boundary of the site. With the acquisition of surrounding lands for the McDowell Sonoran Preserve along the east, west and south sides of the site, dedication and utilization of these streets is no longer required for access to the Preserve. With the current abandonment application, only one half of the dedicated rights-of-way are being considered for abandonment. The remaining portions of right-of-way will provide access to adjoining properties where condemnation for the McDowell Sonoran Preserve is pending. Upon completion of condemnation, the remaining rights-of-way for the streets will be the subject of a request for abandonment. The abandoned rights-of-way will be incorporated into the adjoining lots within Miramonte. No public trails are proposed within the abandonment area and following condemnation, no additional need for vehicular access will be required on the subject roadways.

All appropriate public utility companies and City Departments have been contacted and expressed no objection. The abandoned areas will be added to adjoining lot and may be dedicated as NAOS area as each lot develops. These additional areas of potential open space are not required to meet Ordinance requirements but will result in extra open space for the benefit of the community.

Key Issues.***CITY IMPACT:***

The streets are currently not developed with the completion of acquisition or

condemnation of adjoining properties for the McDowell Sonoran Preserve; these roadways will not be required in the future. The McDowell Sonoran Preserve will provide 9 trailheads for overall future public access areas and none of the subject streets are required for future trailhead access to the Preserve. Related Public Utility Easements (PUE), Non-vehicular Access Easements (NVE) and NAOS easements will be dedicated in accordance with City and public utility requirements. The Transportation Department, Water Resources Department and Preservation and Historic Resources Department have no objections to the abandonment. No GLO (Government Land Office Patent) easements are involved. No utilities, drainage structures or easements other than those being modified accordingly by the abandonment are affected by this case.

NEIGHBORHOOD IMPACT:

No adverse impact is foreseen on the neighborhood as a result of the abandonment. Roadway access will continue to be provided to area properties until acquisition or condemnation is completed. No future McDowell Sonoran Preserve access is provided at this location. One neighbor involved with the condemnation process toward the southwest of the site has objected to the proposal indicating the partial abandonment may limit opportunities during the pending proceedings. No other neighborhood comment has been received regarding this case.

PROPERTY OWNER IMPACT:

The property was dedicated as part of the Miramonte plat recorded in 1998. The abandoned areas will be incorporated into adjoining lots and may be dedicated as natural area open space as each lot develops. The additional lot areas and potential open space benefits the future homeowners.

Community Impact.

The community impact of the abandonment is minimal since the roads will not be developed in the future due to alternate locations provided for trailheads and public access to McDowell Sonoran Preserve areas.

IMPACT ANALYSIS

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Open space, scenic corridors and public trails.

No public access will be provided through the abandonment area to the future McDowell Sonoran Preserve area. Future trailheads accessing the McDowell Sonoran Preserve do not include the subject roadways in this area. The applicant has agreed to provide a 15-foot wide public trail easement along the north side of the site in accordance with the Trails Master Plan and subject to the requirements of the Trails Planner. The trail is not affected by this abandonment. Abandonment areas may be dedicated as NAOS upon incorporation with the adjoining Miramonte lots.

Policy Implications.

The area is adjacent to the McDowell Sonoran Preserve and is designated as ESL. The abandonment is the first part of a 2-phase abandonment of unnecessary streets abutting Miramonte and the McDowell Sonoran Preserve.

No properties will be denied or lose access as a result of these abandonments, pending finalization of condemnation of planned McDowell Sonoran Preserve properties in this area

Community Involvement.

The applicant sent letters of notification for the proposed abandonment to all landowners within 750 feet of the site on May 10, 2005. The applicant has received one call and a follow-up letter-expressing objection from a neighboring property owner within the McDowell Sonoran Preserve condemnation area indicating he prefers to maintain full road access as the condemnation proceedings progress. In addition, Staff has sent postcards of notice and posted the site. Staff has received no other comment or objections.

**STAFF
RECOMMENDATION**

Recommended Approach:

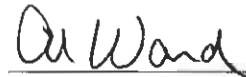
Staff recommends approval.

**RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)**

Planning and Development Services Department

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APPROVED BY



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Current Planning Director

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Easements and Right-of-Ways
5. Area Trails Plan
6. Letter of Agreement
7. City Notification Map

CASE 14-AB-2005

Department Issues Checklist

Transportation

☒ **Support**

As the subject roads are adjacent to the Preserve and are not required to provide access to the Preserve or the subject Miramonte plat and not necessary for the overall circulation plan for this area.

Trails

☒ **Support**

No trails are directly affected by the abandonment. The Trails Master Plan shows a trail easement along Paraiso Drive to the north of the Miramonte plat. The applicant has agreed to dedicate a 15-foot wide Public Trail easement along the north side of the site subject to the requirements of the Trails Planner. No public access is proposed to the Preserve in this area.

Adjacent Property Owner Notification

☒ **Support**

One neighbor objects to the abandonment stating that he is currently in the condemnation process with the City for his property for McDowell Sonoran Preserve and indicates he wishes to maintain access to his property. The City has agreed to maintain half of the right-of-way to provide access to adjoining properties until condemnation is finalized. No other objection has been received.

Public Utilities

☒ **Support**

APS, Qwest, Southwest Gas and Cox have all expressed no objection to the abandonment.

Emergency/Municipal Services

☒ **Support**

The City Fire Department has expressed no objection to the partial abandonment of the subject streets.

Water/Sewer Services

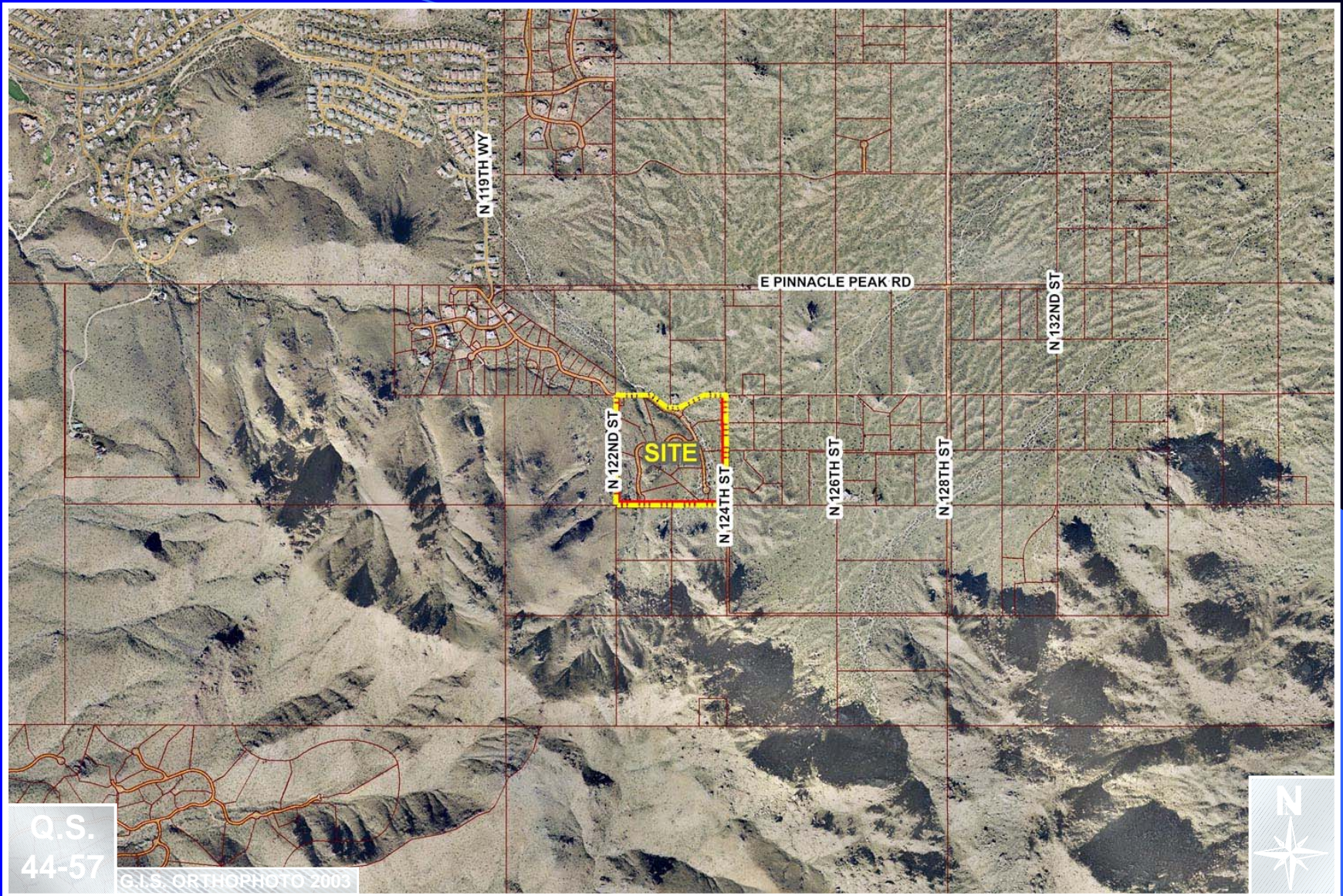
☒ **Support**

Water Resources Department supports the abandonment and has no requirements for water or sewer easements in this area based on the acquisition adjoining lands for the McDowell Sonoran Preserve.

Drainage

☒ **Support**

There are no drainage issues or existing or planned drainage facilities associated with the abandonment.



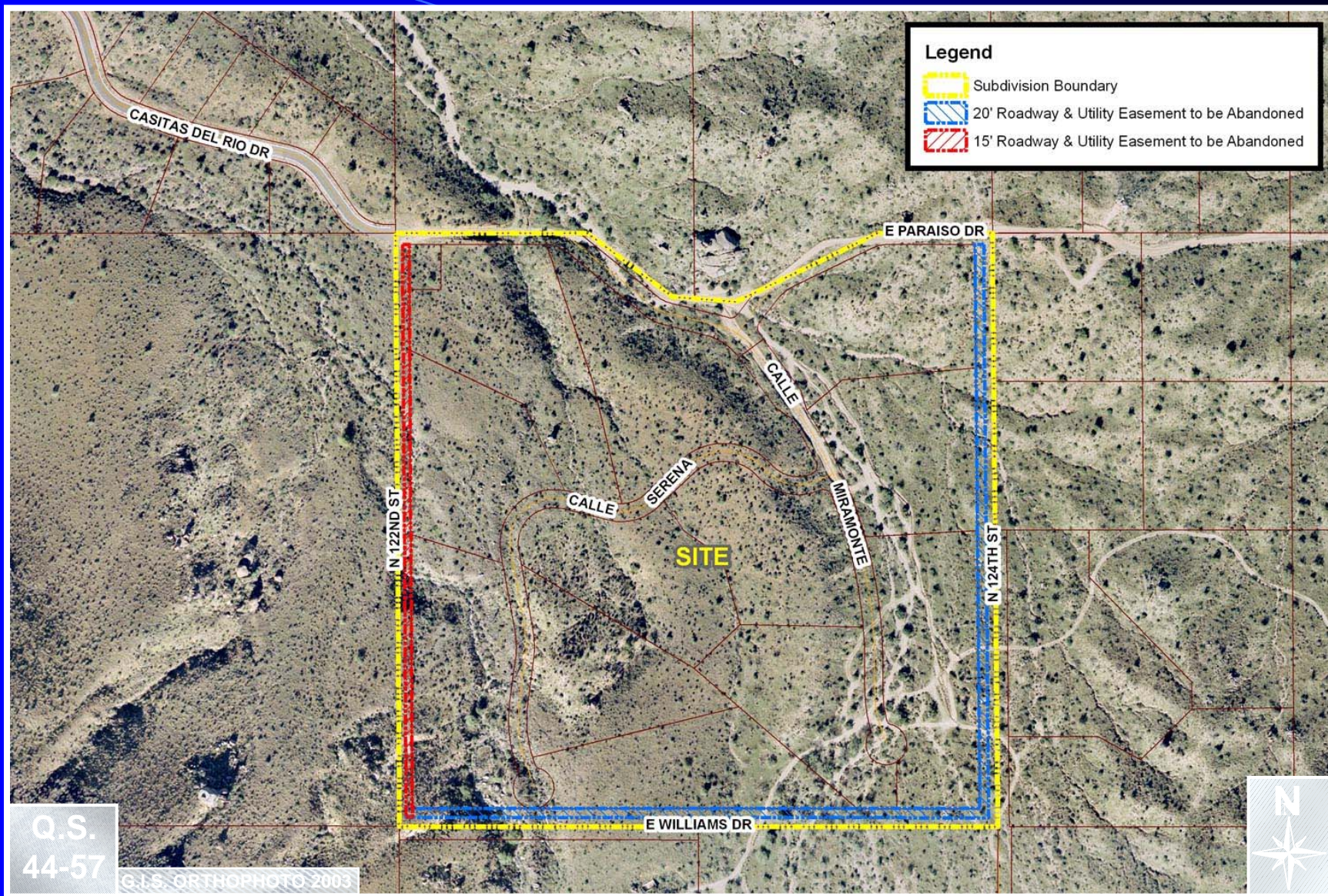
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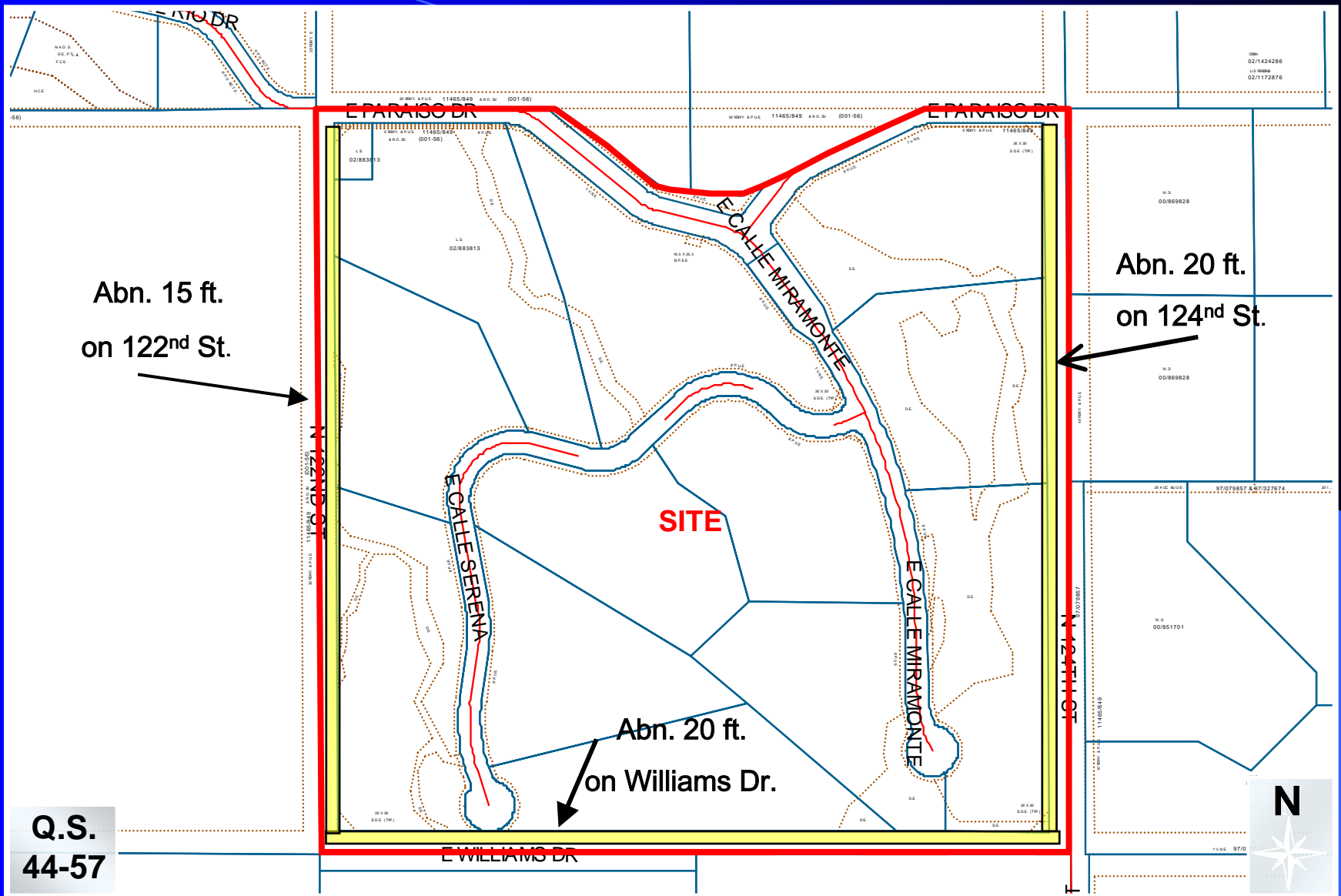
ATTACHMENT #2



The Estates At Miramonte

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ATTACHMENT #3

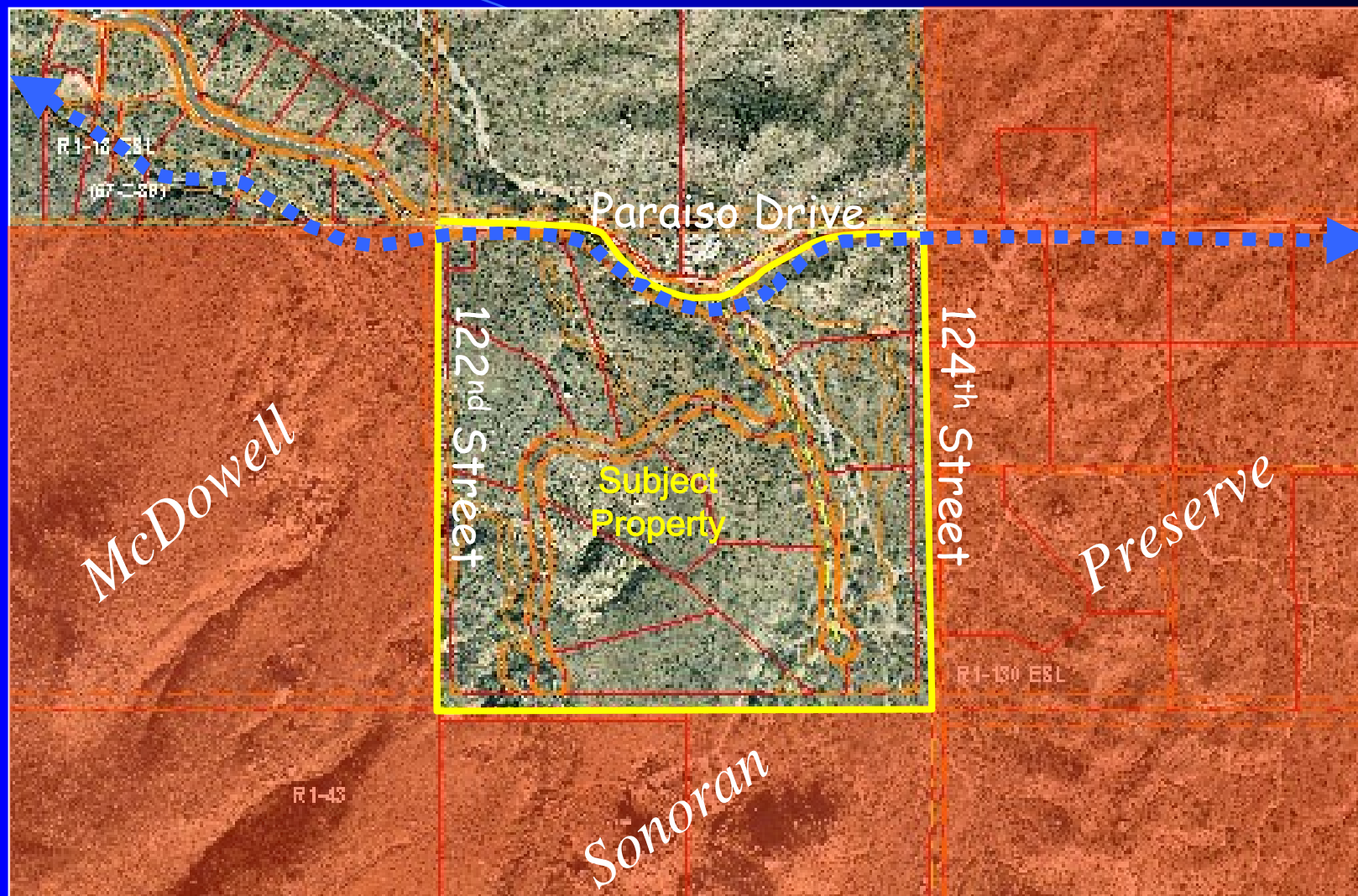


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Easements & Right-of-Way

Trails in the Area of 14-AB-2005



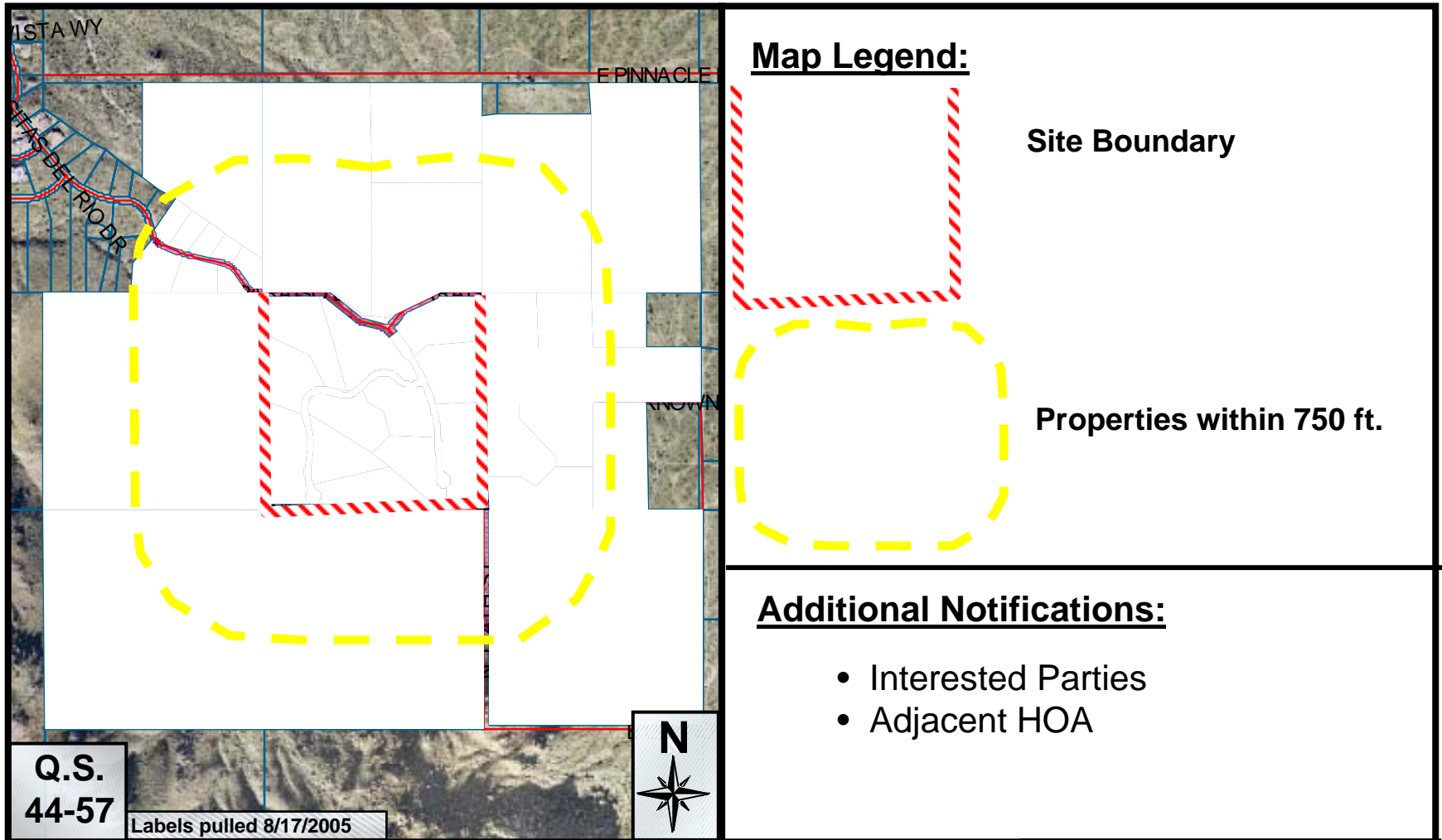
■ ■ ■ ■ ■ Master Planned Trails

Not
to
Scale



August 2005

City Notifications – Mailing List Selection Map



The Estates At Miramonte

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ATTACHMENT #7